

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5838 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

HANSRAJ MANJI CHUDASAMA

Appearance:

MS ROOPAL R PATEL for Petitioner

MR GK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 29/08/2000

ORAL JUDGEMENT

#. The petitioner challenges the award of Labour Court, Junagadh, whereby the respondent is ordered to be reinstated with only 10% of backwages.

#. The Learned Counsel for the petitioner submitted that

the respondent, a conductor is found to be guilty of serious misconduct at the end of departmental inquiry and even in the impugned order it is held that the misconduct alleged against the respondent is proved. On going through the impugned award it appears that the respondent is found to be guilty of not issuing tickets to 12 passengers. However, it is not the case that the respondent has collected the fare and not issued the tickets. On the contrary, the facts on record are that the bus was overloaded with 82 passengers and 12 new passengers had boarded the bus who had not paid any amount and not obtained the ticket and it was stated on their behalf that the conductor had not reached the spot where they were standing. In this context, the argument of the learned counsel is that the duty of an experienced conductor is to see that the bus was not started under such circumstances. Even if, the misconduct of the respondent is held to be proved on this count the punishment of dismissal is found too harsh and disproportionate. Under such circumstances, the Labour Court has, after judicious appreciation of material on record ordered the deduction of 90% of backwages by way of punishment. No reason is made out to further increase the punishment or otherwise to interfere with the award.

#. Hence the petition is rejected. Rule is discharged. Interim relief stands vacated. The petitioner shall implement the award within 1 month from today.

kks